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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 10/727,199  
Filing Date: December 02, 2003  
Appellant(s): BARRUS ET AL.

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Jennifer R. Bush  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed 1 August 2008 appealing from the Office action mailed 26 December 2007.

**(1) Real Party in Interest**

The real party in interest in this Appeal is Ricoh Co., Ltd., a corporation of Japan.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

US 2004/0095314	Nakagawa	5-2004
US 6,919,909	Spletzer et al.	7-2005
US 5,487,665	Lechner et al.	1-1996
US 5,707,128	Dugdale	1-1998
US 5,326,266	Fisher et al.	7-1994
US 6,456,339	Surati et al.	9-2002

### **(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

#### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1,4-8,10-12, 15-17, 19, 27, 29-30, 34-40 and 42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa (US 2004/0095314) in view of Spletzer et al. (US 6,919,909) and further in view of Lechner et al. (US 5,487,665).

**Regarding claim 1**, Nakagawa discloses a projector display system for displaying on a screen a display image corresponding to a source image including at least one window (Figures 4 and 9A-B and paragraph [0048] explains that the projector projects a source image onto a display screen of a whiteboard.), comprising:

- a projector for displaying the display image (Figure 4 shows projector 3.);
- an input device, for receiving user input changing the source image (Figure 4 shows user input device 1, which changes the source image by dragging a window, etc. [see Figures 9A and 9B.]); and

- a control mechanism, coupled to the projector and input device, for, responsive to the input device receiving a user command to drag the movable window from a first location to a second location in the source image, controlling the projector to affect a change on the screen of the display image (Figure 4 shows the image display control unit 43 and Figures 9A-B show the movement of a window with respect to a user command to drag the window, as explained in Figure 10 and paragraphs [0070]-[0076].).

Nakagawa fails to teach of a multi-projector display system comprising a window projector, for displaying, at a display location, a portion of the image corresponding to a movable window and a workspace projector, for displaying the remainder of the image.

Spletzer et al. disclose of a multi-projector display system comprising:

- a window projector, for displaying, at a display location, a portion of the image corresponding to a movable object (Figure 1 shows item 12 which displays a subset of the total image as explained in column 2, lines 11-19. Column 2, lines 22-29 explain

that the subset of data, i.e. the data projected by the second projector, can change with time, such that the subset would move with the movement of the pointing device or an on screen object. The examiner understands that the onscreen object could be a window.); and

a workspace projector, for displaying a second portion of the image (Figure 1 shows item 11 which displays an entire image on a display surface as explained in column 2, lines 11-19.).

Therefore it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to use the idea of having separate projectors as taught by Spletzer et al. with the display window projector system taught by Nakagawa in order to allow for the part of the display screen that the user is focusing on to be displayed in a higher resolution than the rest of the screen without incurring the cost associated with displaying the entire image at the higher resolution.

Nakagawa and Spletzer et al. fail to disclose that the workspace projector, for displaying the second portion of the image that comprises a blank area corresponding to the display location of the movable window, wherein no light is projected in the black area by the workspace projector.

Lechner et al. disclose of a multi-projector display system in with a second projector for displaying a second portion of an image comprising a blank area corresponding to a display location of a first portion of the image displayed by a first projector, wherein no light is projected in the blank area by the second projector (Column 5, lines 1-17 and column 7, lines 18-40).

Therefore, it would have been obvious to "one of ordinary skill" in the art at the time the invention was made to modify the multi-projector display system taught by the combination of Nakagawa and Spletzer et al. such that the window projector is a detailed inset projector and the background projector leaves a void where the window projector displays its image in order to allow for better image quality of the high resolution image.

**Regarding claim 4**, please refer to the rejection of claim 1, and furthermore given the combination of references, the examiner interprets that since the window projector taught by Spletzer et al. changes the subset based the portion requiring specific attention (see column 2, lines 11-29 and the rejection above.) that when used in combination with Nakagawa, the second projector will change focus from a first window on the screen to a second window on the screen, leaving the first window to be displayed by the workspace projector, when a user uses the input device to select the window.

**Regarding claim 5**, Nakagawa, Spletzer et al. and Lechner et al. disclose the display system of claim 1.

Spletzer et al. also disclose wherein:

the window projector displays the first portion of the image at a first level of resolution and the workspace projector displays the remainder of the image at a second level of resolution (Column 16, lines 11-18 explains that each projector in the example



could be set to a resolution of 1024X728, meaning that the first and second level of resolutions are equal, see also column 1, lines 55-62).

***Regarding claim 6***, Nakagawa, Spletzer et al. and Lechner et al. disclose the display system of claim 5.

Spletzer et al. also disclose wherein the first level of resolution is greater than the second level of resolution (Column 1, lines 55-62.).

***Regarding claim 7***, Nakagawa, Spletzer et al. and Lechner disclose the display system of claim 1.

Lechner et al. also wherein the window projector displays the first portion of the image in monochrome (see col. 6, lines 2-5) and the workspace projector displays the second portion of the image in color (see col. 5, lines 9-13).

***Regarding claim 8***, Nakagawa, Spletzer et al. and Lechner disclose the display system of claim 7.

Lechner also discloses wherein the first portion of the image is displayed in high resolution and the second portion of the image is displayed in low resolution (Column 5, lines 63-64).

***Regarding claim 10***, Nakagawa, Spletzer et al. and Lechner et al. disclose the display system of claim 1.

Spletzer et al. also disclose wherein the window projector and the workspace projector are coupled to a common image source, and wherein the first portion of the display image displayed by the window projector and the second portion of the display image displayed by the workspace projector are derived from a single image (Column 1, lines 56-62 explain that the portions of the image displayed by the projectors are from a single image.).

***Regarding claim 11***, Nakagawa, Spletzer et al. and Lechner et al. disclose the display system of claim 1.

Spletzer et al. also disclose wherein the window projector is coupled to a first image source (Figure 1 shows image source 18.), and the workspace projector is coupled to a second image source (Figure 1 shows image source 19.).

***Regarding claim 12***, please refer to the rejection of claim 4, where the examiner explains that based on the combination of Nakagawa, Spletzer et al. and Lechner et al. when there are two windows, the window that is selected by the user, i.e. active, is the window in which the window projector will display the portion of the image.

***Regarding claim 15***, Nakagawa, Spletzer et al. and Lechner et al. disclose the display system of claim 1.

Lechner et al. also disclose wherein the projector moves the blank area of the display image so as to correspond to the changed display location of the first portion of

the display image (Column 8, lines 6-22 explain that the images are generated at 60 Hz, which means that as the images move the screen is updated and the blank area as well as the inset position will be changed when the inset images move.).

**Regarding claim 16**, Nakagawa, Spletzer et al. and Lechner et al. disclose the display system of claim 1.

Spletzer et al. also disclose wherein a control mechanism changes the display location of the first portion of the display image by repositioning the window projector (Column 3, lines 13-17 explain that the video source, i.e. projector, can be moved to display on the appropriate portion of the display medium the image.).

**Regarding claim 17**, Nakagawa, Spletzer et al. and Lechner et al. disclose the display system of claim 1.

Spletzer et al. also disclose a system comprising a mirror for directing the output of the window projector to the display location, and wherein the control mechanism changes the display location of the first portion of the display image by repositioning the mirror (Column 3, lines 10-13 explain that a movable mirror can be used to steer the image where it needs to be on the display medium.).

**Regarding claim 19**, Nakagawa, Spletzer et al. and Lechner et al. disclose the display system of claim 1.

Spletzer et al. also disclose wherein the control mechanism comprises:

a pan/tilt control mechanism (Column 16, lines 19-26 explain about the pan/tilt unit.); and

a zoom control mechanism (Column 16, lines 27-34 explain about the zoom lens assembly.).

***Regarding claim 27***, please refer to the rejection of claim 1, and furthermore Spletzer et al. also disclose wherein a display device can be used as the first display medium (Column 2, lines 40-42).

***Regarding claim 29***, this claim is rejected under the same rationale as claims 1 and 11.

***Regarding claim 30***, this claim is rejected under the same rationale as claim 1.

***Regarding claim 34***, this claim is rejected under the same rationale as claim 5.

***Regarding claim 35***, this claim is rejected under the same rationale as claim 6.

***Regarding claim 36***, this claim is rejected under the same rationale as claim 7.

***Regarding claim 37***, this claim is rejected under the same rationale as claim 8.

**Regarding claim 38**, this claim is rejected under the same rationale as claim 9.

**Regarding claim 39**, this claim is rejected under the same rationale as claim 12.

**Regarding claim 40**, this claim is rejected under the same rationale as claim 13.

**Regarding claim 42**, this claim is rejected under the same rationale as claim 15.

**Regarding claim 43**, this claim is rejected under the same rationale as claim 16.

**Regarding claim 44**, this claim is rejected under the same rationale as claim 17.

4. Claims 46 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa (US 2004/0095314) in view of Spletzer et al. (US 6,919,909) and further in view of Lechner et al. (US 5,487,665) and Dugdale (US 5,707,128).

**Regarding claim 46**, please refer to the rejection of claim 1, and furthermore Nakagawa, Spletzer et al. and Lechner et al. fail to teach wherein the control

mechanism changes the size of the window portion of the image in response to a user command for resizing the window.

Dugdale does teach a display system wherein a control mechanism changes the size of the window portion of the image in response to a user command for resizing the window (see col. 3, lines 4-9, where the lens on the target projector can perform a zoom function to change the size of the target image).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the zooming lens of Dugdale in the system taught by the combination of Nakagawa, Spletzer et al. and Lechner et al. in order to adjust the size of the target image if it does not appear to be the proper size.

***Regarding claim 48***, this claim is rejected under the same rationale as claim 46.

5. Claims 22 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa (US 2004/0095314) in view of Spletzer et al. (US 6,919,909) and further in view of Lechner et al. (US 5,487,665) and Fisher et al. (US 5,326,266).

***Regarding claim 22***, please refer to the rejection of claim 1, and furthermore Nakagawa, Spletzer et al. and Lechner et al. fail to teach a display system, wherein the window projector displays the portion of the image corresponding to a window without any visible seams.

Fisher et al. disclose a display system, wherein the window projector (Fig. 1, projector 14) displays the portion of the image corresponding to a window (Fig. 1, inset 10) without any visible seams (see col. 1, lines 65 - col. 2, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Fisher et al. in the system taught by the combination of Nakagawa, Spletzer et al. and Lechner et al. in order to have an oscillating border to the inset area so that the inset image would appear blended with the background image.

***Regarding claim 25***, please refer to the rejection of claim 1, and furthermore Lechner et al. also disclose the multi-projector display system having a plurality of window projectors (Column 7, lines 46-48.) for each displaying, at a display location, a portion of the display image (Figure 1, images 24, see col. 5, lines 38-39.) and having a plurality of workspace projectors (Column 7, line 18-40).

Nakagawa, Spletzer et al. and Lechner et al. fail to teach a display system, wherein the window projector displays the portion of the image corresponding to a window without any visible seams.

Fisher et al. disclose a display system, wherein the window projector (Fig. 1, projector 14) displays the portion of the image corresponding to a window (Fig. 1, inset 10) without any visible seams (see col. 1, lines 65 - col. 2, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Fisher et al. in the system taught by

the combination of Nakagawa, Spletzer et al. and Lechner et al. in order to have an oscillating border to the inset area so that the inset image would appear blended with the background image.

6. Claim 47 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa (US 2004/0095314) in view of Spletzer et al. (US 6,919,909) and further in view of Lechner et al. (US 5,487,665), Dugdale (US 5,707,128) and Fisher et al. (US 5,326,266).

***Regarding claim 47***, please refer to the rejection of claim 46.

Nakagawa, Spletzer et al., Lechner et al. and Dugdale fail to teach a display system, wherein the window projector displays the portion of the image corresponding to a window without any visible seams.

Fisher et al. disclose a display system, wherein the window projector (Fig. 1, projector 14) displays the portion of the image corresponding to a window (Fig. 1, inset 10) without any visible seams (see col. 1, lines 65 - col. 2, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the teachings of Fisher et al. in the system taught by the combination of Nakagawa, Spletzer et al., Lechner et al. and Dugdale in order to have an oscillating border to the inset area so that the inset image would appear blended with the background image.



7. Claim 49 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nakagawa (US 2004/0095314) in view of Spletzer et al. (US 6,919,909) and further in view of Lechner et al. (US 5,487,665), Fisher et al. (US 5,326,266) and Surati et al. (US 6,456,339).

**Regarding claim 49**, Nakagawa, Spletzer et al. and Lechner et al. disclose the display system of claim 22.

Nakagawa, Spletzer et al. and Lechner et al. fail to disclose wherein the plurality of workspace projectors collectively display the second portion of the image by overlapping portions provided by each of the plurality of workspace projectors.

Surati et al. discloses of having projectors in which their display images overlap (Figure 1).

Therefore, it would have been obvious to “one of ordinary skill” in the art at the time the invention was made to use the overlapping technique taught by Surati et al. with the display system taught by the combination of Nakagawa, Spletzer et al. and Lechner et al. in order to prevent the visualization of the black area created between each projector's projected image in a conventional image projection system.

**(10) Response to Argument**

**Claims 1, 5-8, 10-12, 15-17, 19, 27 and 29**

Starting on page 10 of the Appeal Brief the applicant argues the rejection of claims 1, 5-8, 10-12, 15-17, 19, 27 and 29 under 35 USC § 103(a) as being unpatentable over Nakagawa in view of Spletzer and further in view of Lechner. Specifically the applicant argues that the claims pertain to user input changing a source image that results in changes to a corresponding display image. The applicant further discusses that the examiner admitted that Spletzer does not disclose providing changes to a source image via user input and that Lechner does not either. The applicant then states that Nakagawa only shows in Figures 4 and 9A and 9B of an interactive display whiteboard in which “windows” displayed on a whiteboard may be moved such that they are displayed in different positions on the whiteboard, and that Nakagawa discloses only one image, i.e. no corresponding source image. The applicant continues to state that the examiner said that since the display is created by the projector from a single source image, user input is received to affect changes to the display image, however, the claim specifies that the user input received is “user input changing the source image” and thus modifying Nakagawa to affect changes to a source image would require modification of Nakagawa’s disclosed, established function of dragging a window within a display image. The examiner respectfully disagrees.

The applicant's specification in paragraphs [0028], [0034],[0046] and [0050], for example, merely states that there is an image source from which the projectors receive their information for display and that when a user moves a window then the projectors move the projection of the window to reflect the changes. In order for a projector to display an image, it would need to receive an input image source, such as from a computer as noted by the applicant. Dragging windows using a mouse, i.e. user input, was well known in the art before applicant's invention, and it is also known that when a user drags/modifies a window using the mouse that the display is affected to move the window, however, the computer which is generating the display, i.e. the image source, will also be changed to affectively allow the display of the changed window. This is exactly what Nakagawa is doing. The displayed image by the projector in Nakagawa cannot be changed without changing the image that is to be projected by the projector, meaning that the image source that the projector is projecting must be affectively changed such that the projector can display the window movement. Thus, Nakagawa is teaching that user input affects a change at the source image. If a user in Nakagawa merely touched the screen to move the window and the source image were not changed then when the user tried to drag the window nothing would happen. Further, the applicant does not describe that their invention is anything different than that described above by the examiner. Nowhere in the specification is there anything describing that the changing of a source image is anything different than what is occurring in the Nakagawa reference. If the applicant is now saying that changing the source image is anything different, than they are admitting that there is a 112, 1<sup>st</sup>

paragraph problem with their specification. Therefore, Nakagawa does teach the changing of a source image, and thus the combination of Nakagawa, Spletzer and Lechner discloses the limitations of claim 1.

The applicant then states at the bottom of page 11 that claims 5-8, 10-12, 15-17 and 19 all depend from claim 1 and are argued for the same reasons as claim 1, and as explained above Nakagawa, Spletzer and Nakagawa disclose the limitations of claim 1 and therefore also disclose the limitations of claims 5-8, 10-12, 15-17 and 19.

The applicant then states on page 12 that claims 27, 29 and 38 are argued for the same reasons as claim 1, and as explained above Nakagawa, Spletzer and Nakagawa disclose the limitations of claim 1 and therefore also disclose the limitations of claims 27, 29 and 38.

**Claims 4, 30, 34-37, 39-40 and 42-44**

Starting on page 13 of the Appeal Brief the applicant argues the rejection of claims 4, 30, 34-37, 39-40 and 42-44 under 35 USC § 103(a) as being unpatentable over Nakagawa in view of Spletzer and further in view of Lechner.

The applicant begins their argument by stating that these claims are first distinguishable over the references for the same reasons as those presented for claim 1, and for the same reasons as stated above, the references disclose the argued features of claim 1.

The applicant then states that the rejection of claims 4 and 30 have further deficiencies. Specifically, the applicant states that the examiner alleges that Spletzer discloses of changing the subset based on the portion requiring specific attention and that in combination with Nakagawa that this shows a change in focus between the displayed windows. The applicant argues this by stating that they note that the portions of the image are portions of the displayed image, and that Spletzer does not disclose any ability or mechanism showing how use input might affect a change to the source image, And that Spletzer portion is inherent in the image rather than an active window manually selected via user input. The applicant continues by stating that the examiner does not show several limitations of claim 4 in the cited art, mainly that the projectors switch which portions they display. The applicant then states that Spletzer cannot show these limitations, and that nowhere does Spletzer show the ability to change which portion is active, but only to follow the movement of the portion deserving attention. The applicant then states that even if combined with Nakagawa that the combination still fails to teach of the projectors switching which portions they display. The examiner respectfully disagrees. First of all, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). In combination, Spletzer suggests to have two projectors, with one focusing on an area deserving more attention, and when this teaching is used with Nakagawa, an active window would definitely be "an area deserving more attention", and thus is a user clicked from one window to another, i.e.

deactivating one and activating the other, then using the teaching of Spletzer, the projector that was previously only displaying the first active window will change to be only displaying the second active window, thus the projector will switch what it displays. Then using the teaching of Lechner of having a blank area, then both projectors will switch what they are displaying.

The applicant then finishes their argument by stating that the combination is deficient for the above state reasons and that the modification of the references is far beyond the disclosures of the references and thus only hindsight could have been used. The examiner respectfully disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Anyone who has used a computer would realize that an active window is something that is requiring specific attention, and thus the combination of the references to project an area, such as a window deserving the most attention, in a higher resolution as taught by the references, is not beyond the disclosures of the specifications.

The applicant then argues on page 16 of the appeal brief that claim 30 is similar to claim 4 and is argued for the same reasons, however, as stated above, the references teach claim 4 and therefore the rejection claim 30 is also proper.

The applicant then also states on page 16 that claims 34-37, 39-40 and 42-44 depend from claim 30 and are argued for the same reasons, and as explained above Nakagawa, Spletzer and Nakagawa disclose the limitations of claim 4 (30) and therefore also disclose the limitations of claims 34-37, 39-40 and 42-44.

#### **Claim 46**

Starting on page 16 of the Appeal Brief the applicant argues the rejection of claim 46 under 35 USC § 103(a) as being unpatentable over Nakagawa in view of Spletzer and further in view of Lechner and Dugdale.

The applicant begins their argument by stating that this claim is first distinguishable over the references for the same reasons as those presented for claim 1, and for the same reasons as stated above, the references disclose the argued features of claim 1.

The applicant next argues that Dugdale has deficiencies with respect to claim 46. Specifically the applicant argues that in Dugdale, the "lens on the target projector" cannot be the claimed "control mechanism coupled to the window projector and the input device" and that the only thing that can be considered an input device is the joystick/keyboard. The applicant further states that Dugdale shows no such user device

or other means for receiving a user command and no means for resizing any portion of the source image as claimed. The examiner respectfully disagrees. First of all Dugdale does disclose of resizing by use input (See column 3, lines 14-17). Further, Dugdale does not need to teach of a "control mechanism coupled to the window projector and the input device" because Dugdale was not used to teach this feature. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Dugdale was only used to teach of resizing. The rejection is based upon a combination of the references, and when used in combination, the references together teach the claimed limitations.

The applicant continues on the bottom of page 17 stating that the modification of Dugdale would require a modification beyond its intended purpose and thus only hindsight could have been used. The examiner respectfully disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Dugdale was not meant to be bodily incorporated but merely the teachings were applied to the combination of Nakagawa,



Spletzer and Lechner, and thus, modification beyond its intended purpose was not made. Therefore, the rejection of claim 46 is proper.

**Claim 48**

Starting on page 18 of the Appeal Brief the applicant argues the rejection of claim 46 under 35 USC § 103(a) as being unpatentable over Nakagawa in view of Spletzer and further in view of Lechner and Dugdale. The applicant begins by stating that claim 48 recites language similar to the described for claim 46 except "to affect a change in the size of the first and second portions of the display image". The applicant continues by stating that a plurality of claims should never be grouped together in a common rejection, unless that rejection is equally applicable to all claims in the group, and that the examiner's omnibus rejection of claims 46 and 48 is improper. The examiner respectfully disagrees. The rejection of claim 48 is equally applicable to that of claim 46. In the rejection, the examiner stated that the rejection was under the same rationale, meaning that the addition of Dugdale for claim 48 is rationally the same as that of 46. Dugdale is only used to teach of the resizing aspect of the claims. Nakagawa, Spletzer and Lechner are used for the other aspects of the claims as already discussed above. Thus, the resizing aspect as taught by Dugdale can be equally applied to change the size of both portions of the image as it can to change the size of only one portion of the image since Dugdale discloses of resizing the image of a projector. Thus, Dugdale does not have to disclose of resizing two portions of the

image. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

The applicant then continues toward the bottom of page 18 to present the same arguments presented for claim 46, and the examiner respectfully disagrees for the same reasons. Therefore, the rejection of claim 48 is proper.

#### **Claims 22 and 25**

Starting on page 19 of the Appeal Brief the applicant argues the rejection of claims 22 and 25 USC § 103(a) as being unpatentable over Nakagawa in view of Spletzer and further in view of Lechner and Fisher.

The applicant begins their argument by stating that these claims are first distinguishable over the references for the same reasons as those presented for claim 1, and for the same reasons as stated above, the references disclose the argued features of claim 1.

Further, the applicant states that Fisher does not remedy the deficiencies of Nakagawa, Spletzer and Lechner. Specifically the applicant argues that the examiner states that Fisher discloses a display system wherein the window projection displays the portion of the image corresponding to a window without any visible seams, and that claim 22 recites a plurality of workspace projectors and that if Fisher was only used to

teach that there is no seam that the examiner has not met his burden for this limitation of the claims. The applicant then argues that Fisher does not teach of eliminating seams between workspace projectors collectively displaying a blank area. The examiner respectfully disagrees. One cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). The applicant is right, the examiner stated in the rejection that Fisher was not used to teach of having workspace projectors. Lechner discloses having a plurality of workspace projectors (Lechner, column 7, lines 18-40). Thus Fisher would suggest to the combination of Nakagawa, Spletzer, and Lechner to have no visible seams in the area around the combination of the images from the workspace projectors and the window projector. Thus, although Fisher alone does not teach the features of claim 22, the combination of the references does teach the limitations of claim 22.

The applicant continues on page 22 stating that the modification of Fisher would require a modification beyond its intended purpose and thus only hindsight could have been used. The examiner respectfully disagrees. In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the

applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). Fisher was not meant to be bodily incorporated but merely the teachings were applied to the combination of Nakagawa, Spletzer and Lechner, and thus, modification beyond its intended purpose was not made. Therefore, the rejection of claim 22 is proper.

The applicant continues stating that claim 25 is similar to claim 22 and argued for the same reasons, and thus for the same reasons stated above, the rejection of claim 25 is proper.

**Claim 49**

Starting on page 22 of the Appeal Brief the applicant argues the rejection of claim 49 by stating that it is similar to claim 22 and states that the claim is argued for the same reasons, and thus for the same reasons stated above, the rejection of claim 49 is proper.

**Claim 47**

Starting on page 23 of the Appeal Brief the applicant argues the rejection of claim 47 by stating that it is similar to claims 46, 48, 22 and 25 and states that the claim is argued for the same reasons, and thus for the same reasons stated above, the rejection of claim 47 is proper.

**(11) Related Proceeding(s) Appendix**

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

**(12) Conclusion**

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Stephen Sherman

/Stephen Sherman/

26 August 2008

Conferees:

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